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BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-303 (SUB-NO. 29X)

WISCONSIN CENTRAL LTD –
ABANDONMENT EXEMPTION
IN FOREST COUNTY, WISCONSIN

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
PETITION FOR EXTENSION OF NOTICE OF INTERIM TRAIL USE

BACKGROUND

Wisconsin Central Ltd (WCL) filed with the Surface Transportation Board (Board) a Notice of Exemption under 49 CFR § 1152 Subpart F – Exempt Abandonments to abandon a 4.62-mile line of railroad, from milepost 235.84 on the Pembine Sub (formerly milepost 249.38 on the Old Shawano Sub) near Crandon, to milepost 231.22 on the Pembine Sub (formerly milepost 254.00 on the Old Shawano Sub), in Forest County, WI. The line traverses through United States Postal Service Zip Code 54520.

On November 10, 2005, the Wisconsin Department of Natural Resources (WisDNR) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the 4.62 mile segment of WCL railroad starting at MP 235.84 on the Pembine Sub (f/k/a MP 249.38 on the Old Shawano Sub) and ending at MP 231.22 on the Pembine Sub (f/k/a on the Old Shawano Sub) near Crandon, Forest County, Wisconsin. The Wisconsin Department of Transportation submitted a request for a notice on interim trail use on behalf of the Wisconsin Department of Natural Resources (collectively, the State).

FILED FEE WAIVED

On November 10, 2005, the Board served a decision on the abandonment exemption subject to conditions. The Board issued a NITU under 49 CFR §1152.29, which was served on December 13, 2005, allowing the WCL until June 11, 2006, to negotiate a rail banking agreement with WisDNR. On January 19, 2006, the Board served a decision removing the section 106 historic preservation condition previously imposed.

On May 26, 2006, the State filed a request to extend the NITU negotiating period for an additional 180 days. On June 8, 2006, the Board served a decision authorizing the State until December 8, 2006 to negotiate an interim trail use/railbanking agreement with WCL.

On November 22, 2006, the State filed a request to extend the NITU negotiating period for an additional 180 days. On December 8, 2006, the Board served a decision authorizing the State until June 6, 2007 to negotiate an interim trail use/railbanking agreement with WCL.

On May 21, 2007, the State filed a request to extend the NITU negotiating period for an additional 180 days. On June 6, 2007, the Board served a decision authorizing the State until December 3, 2007 to negotiate an interim trail use/railbanking agreement with WCL.

On November 27, 2007, the State filed a request to extend the NIT negotiation period for an additional 180 days. By decision served December 3, 2007, the Board extended the negotiating period for an additional 180 days, until May 31, 2008.

Negotiations are currently continuing in good faith between WCL and WisDNR. However, more time is needed to finalize negotiations.

MOTION

Therefore, WisDNR moves that the period prescribed to negotiate an interim trail use/railbanking agreement be extended for 180 days for the 4.62 mile segment of WCL railroad starting at MP 235.84 on the Pembine Sub (f/k/a MP 249.38 on the Old Shawano Sub) and ending at MP 231.22 on the Pembine Sub (f/k/a on the Old Shawano Sub) near Crandon, Forest County, Wisconsin for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to the WisDNR. This will allow all forms of transportation to be provided in a unified, interconnected, economically efficient, and environmentally sound manner.

Respectfully submitted,

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